IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

CRP.No. 761 of 2007()

AGAINST THE ORDER DATED 20/07/2007 IN IA. 1493 /2007 IN OPEP.10/2005 of MUNSIFF COURT, CHITTUR

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REVN. PETITIONER: 1ST RESPONDENT

S.SHEIK SHAHUL HAMEED,
S/O SHEIK ALAUDHEEN, AGED 41 YEARS,
SHEIK VEEDU, ATHICODE, KOZHINJAMPARA VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS: PETITIONER & RESPONDENTS 2 TO 4

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1. MOHAMMED SULTHAN, AGED 41 YEARS,
S/O MOHAMMED ABDUL KADHAR,
KOZHINJAMPARA VILLAGE, ATHICODE,
CHITTUR TALUK, PALAKKAD DISTRICT.

2. MUTHUSWAMI, AGED 52 YEARS,
S/O RACKIYAPPA GOUNDER,
KARUVAPARA, KOZHINJAMPARA VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.

3. M.SAKTHIVEL, AGED 38 YEARS,
S/O MURUGESAN, SOUNDAMMA KOVIL STREET,
VALIYAVALLAMPATHY VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.

4. THE TAHSILDAR, CHITTUR,
PALAKKAD DISTRICT.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/8/07 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No.761 OF 2007 B

Dated this the 16th August, 2007.

O R D E R

This revision petition is preferred against the order of the Munsiff, Chittur in I.A.1493/07 in Election O.P.10/2005. The petitioner in the Election O.P has filed an application under Order XI Rule 1 of the Civil Procedure Code calling upon the present revision petitioner to answer certain interrogatories. The learned counsel for the revision petitioner has made me available for perusal a copy of the said interrogatories. He argues the revision petition on the point that service of interrogatories on an election petition is not contemplated under the provisions of the Panchayat Act and secondly the attempt is to fish out answers before the respondents enter the box to tender evidence. The learned counsel had read Section 94 of the Kerala Panchayat Raj Act, 1994. It deals with the procedure to be followed by the court while trying an election petition. It is stated therein "subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure to the trial of suits." I do not have any doubt in my mind when Section

94 is so worded the procedure prescribed under Order XI CPC can also be followed by the civil court which is sitting as the election Judge to decide the matter. So, the said contention cannot be entertained. As far as the second question is concerned, it is not attempting to fish out answers. It is only an attempt to understand the relationship mentioned in the documents and the revision petitioner. The trend of the questions only is to the effect whether Sheik Alavudheen who is the title holder in possession of the properties is the father of this person or not and also regarding the devolution of the estate. I do not think that there can be any valid objections as contemplated under Order XI Rule 6 CPC. Therefore, the order passed by the learned Munsiff does not suffer from any illegality or irregularity. C.R.P is dismissed.

M.N.KRISHNAN
Judge

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